

REMARKS

This is a response to the Office Action dated July 13, 2007. Claims 92-124 are pending in the application.

In the Office Action, the Examiner objects to the specification because the status of various cited applications are not updated.

The drawings are objected to under 37 CFR 1.83(a) for purportedly failing to show every feature of the invention specified in the claims.

Further, claims 92-94, 96 and 100 are rejected on the ground of non-statutory double patenting over claims 1, 27, 43, 57, 59-61, 75, 80 and 82 of U.S. Patent No. 6,961,641 ("Forth").

Claims 118 and 119 are rejected on the ground of non-statutory double patenting over claims 1, 2 and 6 of U.S. Patent No. 6,990,395 ("Ransom").

Claims 118, 120 and 124 are provisionally rejected on the ground of non-statutory double patenting over claims 1, 4, 10, 12 and 15 of co-pending U.S. Application Serial No. 11/049,042.

Claims 118 and 122 are provisionally rejected on the ground of non-statutory double patenting over claims 14-17 of co-pending U.S. Application Serial No. 11/497,218.

Claims 118-120 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,711,512 ("Noh").

Claims 92-117 and 121-124 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Noh in view of applicants' alleged admitted prior art in the instant specification.

The objections and rejections from the Office Action dated July 13, 2007 are discussed below. No new matter has been added. Reconsideration of the application is respectfully requested in light of the following remarks.

I. OBJECTIONS TO THE SPECIFICATION

The specification is objected to because various applications are cited on pages 1 and 7 of the specification, without the status of their prosecution having been updated. In response, applicants submit herewith amended paragraphs 0001 and 0042, which reflect the updated status of the various related applications. Accordingly, applicants respectfully request the Examiner to withdraw the objections to the specification.

II. OBJECTIONS TO THE DRAWINGS

The drawings are objected to for purportedly failing to show every feature of the invention specified in the claims, including the features "cellular modem," "Ethernet interface," "wired modem," "Bluetooth," "AC power line data network interface" and "wireless connection." (see Office Action dated July 13, 2007, at page 2). Applicants believe, however, that every feature of the invention specified in the claims **is shown in the drawings originally submitted**, and that the objection to the drawings should be withdrawn.

Applicants' specification discloses that "the protocol stack includes an application layer 321, a transport layer 322, a routing layer 323, a switching layer 324 and an interface layer 325." (see, e.g., applicants' specification at paragraph 0083). Applicants' specification further discloses that in one embodiment, "interface layer 325 ... makes the physical connection with the network utilizing connections such as Ethernet, dial-up-modems, Point-to-Point Protocol (PPP), Serial Line Interface Protocol (SLIP), cellular modems, T1, Integrated Service Digital Network (ISDN), Digital Subscriber Line (DSL), Bluetooth, RF, fiber-optics or AC power line communications." (*id.*). **Since the drawings (for example, FIG. 3C) show the interface layer 325, which could be implemented utilizing cellular modems, Ethernet, Bluetooth and so forth, applicants submit that the drawings show every feature of the invention specified in all of the objected claims.** Accordingly, applicants respectfully request that this objection to the drawings be withdrawn.

III. NON-STATUTORY DOUBLE PATENTING REJECTIONS

Claims 92-94, 96 and 100 are rejected on the ground of non-statutory double patenting over claims 1, 27, 43, 57, 59-61, 75, 80 and 82 of U.S. Patent No. 6,961,641. Claims 118 and 119 are rejected on the same grounds over claims 1, 2 and 6 of U.S. Patent No. 6,990,395. Claims 118, 120 and 124 are provisionally rejected on the ground of non-statutory double patenting over claims 1, 4, 10, 12 and 15 of co-pending U.S. Application Serial No. 11/049,042. Claims 118 and 122 are provisionally rejected on the same grounds over claims 14-17 of co-pending U.S. Application Serial No. 11/497,218.

Applicants are prepared to file a terminal disclaimer to overcome each of the double patenting rejections, once the Examiner acknowledges that all of the other objections and rejections to the present application are overcome, and it is otherwise in condition for allowance.

IV. REJECTIONS UNDER 35 U.S.C. § 102(e)

Claims 118-120 are rejected under 35 U.S.C. § 102(e) as being anticipated by Noh. Applicants submit that claims 118-120 are patentable over Noh, at least because claims 118-120 have an effective priority date earlier than Noh.

As the Examiner has recognized in the Office Action, the present application is a continuation of U.S. Application Serial No. 10/340,374 filed January 9, 2003 (Attorney Docket No. 6270/84), which is a continuation-in-part of U.S. Application Serial No. 09/896,570 filed June 29, 2001 (Attorney Docket No. 6270/64), now U.S. Patent No. 6,944,555 ("the '555 patent"), which is a continuation-in-part of U.S. Application Serial No. 09/814,436 filed March 22, 2001 (Attorney Docket No. 6270/60), now U.S. Patent No. 6,751,562 ("the '562 patent").

Noh has a U.S. filing date of November 7, 2001 and claims priority to a Korean application filed August 7, 2001, which is its earliest effective priority date. The '555 patent was filed on June 29, 2001, while the '562 patent was filed on March 22, 2001. While both the '555 patent and the '562 patent may have even earlier priority dates, their U.S. filing dates alone defeat Noh's earliest priority date.

The '562 patent and the present application have extensive similarities, and the '562 patent discloses and supports the subject matter of claims 118-120 of the present application. Solely by way of example, and without limitation, the '562 patent is directed to a "power management architecture for an electrical power distribution system," which includes, *inter alia*, "intelligent electronic devices ("IED's") ... to manage the flow and consumption of power from the system" (Abstract). As disclosed in the '562 patent, IED's are also referred to as power management devices (see, e.g., the '562 patent at col. 4, lines 19-20) and "are coupled with power distribution networks" (see, e.g., the '562 patent at col. 4, lines 11-12). The '562 patent further discloses that "[s]uch devices typically utilize memory and microprocessors" (see, e.g., the '562 patent at col. 4, line 14). Further, the '562 patent discloses that "[e]ach IED preferably includes the software and/or hardware necessary to facilitate communications over the communications network" (see, e.g., the '562 patent at col. 6, lines 18-22). Specifically, as a way to facilitate the communication, the '562 patent discloses an interface layer which may comprise, *inter alia*, wireless interfaces such as Bluetooth, cellular modems, Ethernet interface, wired modem, integrated services digital network modem, digital subscriber line modem, or AC

power line data network interface (see, e.g., the '562 patent at col. 6, lines 26-36; col. 7, lines 43-54; col. 14, line 28 – col. 15, line 46; FIG. 3C).

Since the '562 patent discloses and supports the subject matter of claims 118-120 of the present application, claims 118-120 properly receive the benefit of the priority date of at least March 22, 2001. As mentioned above, Noh's earliest effective priority date is August 7, 2001. Accordingly, applicants have priority over Noh and thus Noh is not a prior art under 35 U.S.C. § 102(e). Applicants therefore respectfully submit that claims 118-120 are in condition for allowance.

V. REJECTIONS UNDER 35 U.S.C. § 103(a)

Claims 92-117 and 121-124 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Noh, in further view of applicants' alleged admitted prior art. Applicants submit that Noh is not prior art under 35 U.S.C. § 103(a), for at least the reasons discussed above in section IV. Specifically, applicants have an earlier priority date based on the '555 patent and/or the '562 patent for each of claims 92-117 and 121-124. Applicants therefore respectfully submit that claims 92-117 and 121-124 are in condition for allowance.

In addition, contrary to the Examiner's assertion, applicants submit that no admission of prior art has been made in applicants' specification. With regard to claims 92-94, 101-103 and 110-112, the Examiner claims that applicants acknowledge that it is well-known to use wireless communications based on the statement "cellular based modems and cellular system access are widely available." (see Office Action dated July 13, 2007, at page 6). However, the quoted statement is not admitted prior art for various reasons.

First, the quoted statement is made in the "Detailed Description of the Presently Preferred Embodiments" section of the specification. Statements made in the Detailed Description section of the specification should not be presumed as an admission of prior art.

Second, the quoted statement is quoted out of context. The complete sentence involving the Examiner's quotation reads: "[f]urther, while cellular based modems and cellular system access are widely available, providing a large number of power measuring devices with phone service is cumbersome and often cost prohibitive." (see applicants' specification at paragraph 0045). The statement is made while describing the limitations associated with known technologies. Thus, the Examiner-quoted statement, when read in proper context, refers to the

fact that "while cellular based modems and cellular system access" may be available, no prior attempts have been made to utilize cellular based modems in connection with any power management device to overcome the limitations of previously known devices. In short, the statement "cellular based modems and cellular system access are widely available" is not an admission of prior art in reference to applicants' invention.

For the at least foregoing reasons, applicants respectfully submit that claims 92-117 and 121-124 are in condition for allowance.

CONCLUSION

Each of the objections and rejections in the Office Action dated July 13, 2007 has been addressed and no new matter has been added. Applicants submit that all of the pending claims 92-124 are in condition for allowance and notice to this effect is respectfully requested. The Examiner is invited to contact the undersigned attorney if such communication would expedite the prosecution of this application.

Respectfully submitted,

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